



U.S. Department of Justice

*United States Attorney
District of Massachusetts*

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May 19, 2004

BY FAX (508) 588-2174

Kevin J. Reddington, Esq.
1342 Belmont Street
Suite 203
Brockton, Massachusetts 02301

____ Re: United States v. Simone, et al.,
____ Crim. No. 03-CR-10356-MLW

Dear Mr. Reddington:

In response to your May 13, 2004 letter requesting discovery, the government notes its objection under D. Mass. L.R. 116.3 (D) because your letter requests information expressly required to be produced (and, in many instances, already produced) under L.R. 116.1. See also L.R. 116.1(A) (requiring that discovery requests be filed with the clerk); L.R. 116.1(H) (requiring in multidefendant cases that "to the maximum extent possible" defendants must consolidate their written discovery requests). Otherwise, the government responds to your numbered paragraphs as follows:

1. Insofar as this request is inconsistent with the government's discovery obligations under the Local Rules and otherwise, the government declines to produce the requested information.
2. See Dec. 30, 2003 Ltr. at §A.3. The requested "logs, memoranda and/or reports" will be produced, where appropriate, in accordance with the government's obligations, whether under the Local Rules, the Jencks Act or otherwise.

3. The government will provide the names of individuals consistent with L.R. 116.1(C)(1)(e). The government otherwise declines this request.
4. Other than as set forth in response to (2) above, the government does not possess any of the enumerated items.
5. The government will comply with its obligations under the Local Rules, the Constitution and other federal law but otherwise declines this request. See, e.g., L.R. 116.2 (defining and requiring production of certain exculpatory evidence).
6. The government will comply with its obligations under the Local Rules, the Constitution and other federal law but otherwise declines this request. See, e.g., L.R. 116.2(B)(1)(c) (requiring production of promises, rewards and inducements); L.R. 116.2(B)(1)(d) (requiring production of criminal records).
7. The government will comply with its obligations under the Local Rules, the Constitution and other federal law but otherwise declines this request. See, e.g., L.R. 116.2(B)(2)(b) (requiring production of inconsistent statements by a witness); L.R. 116.2(B)(2)(c) (requiring production of inconsistent statements of different witnesses).
8. With respect to the first sentence, the government will comply with its obligations under the Local Rules, the Constitution and other federal law but otherwise declines this request. See, e.g., L.R. 116.2(A)(3) (defining exculpatory evidence to include information that tends to cast doubt on the credibility or accuracy of any evidence). The government does not possess any of the items listed in the second sentence of your request.
9. The government will comply with its obligations under the Local Rules, the Constitution and other federal law but otherwise declines this request. See, e.g., L.R. 116.2(B)(1)(b) (requiring production of information that would cast doubt on the admissibility of evidence); L.R. 116.2(B)(1)(f) (requiring production of failures of percipient witnesses to make identifications).

10. See Dec. 30, 2003 Ltr. §§B, C. In addition, FBI SA Joseph Realmuto swore out an affidavit in support of a complaint and arrest warrant in Crim. No. 01-M-01741-CBS which was subsequently dismissed.
11. The government proposes to make its expert witness disclosures 60 days prior to trial, with the defendant's reciprocal disclosures due 30 days prior to trial.
12. See Dec. 30, 2003 Ltr. §D.
13. The government will continue to comply with L.R. 116.4(B) regarding transcripts but otherwise declines this request.
14. The government will comply with its obligations under the Local Rules, the Constitution and other federal law but otherwise declines this request. See, e.g., L.R. 116.2(B)(1)(d) (requiring production of criminal records).
15. The government proposes to comply with Fed. R. Evid. 404(b)'s notice requirement 21 days prior to trial.
16. See Dec. 30, 2003 Ltr. §A. The government otherwise declines this request to the extent that doing so is consistent with the government's obligations under the the Local Rules, the Constitution and other federal law.
17. We do not understand this request and propose to discuss it with you during our meeting tomorrow.
18. The government has complied with its obligations under L.R. 116.8 and 116.9.
19. See Dec. 30, 2003 Ltr. §F.
20. See Dec. 30, 2003 Ltr. §A.3.

Please feel free to call either of us with any questions.
We look forward to seeing you tomorrow.

Very truly yours,

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/ Colin Owyang
ERNEST S. DiNISCO
COLIN OWYANG
Assistant U.S. Attorneys

cc: Mr. Dennis O'Leary
Courtroom Clerk
Hon. Mark L. Wolf
U.S. District Judge
U.S. District Court for the District of Massachusetts